

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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IN THE MATTER OF THE INDIANA UTILITY)
REGULATORY COMMISSION'S)
INVESTIGATION OF MATTERS RELATED TO)
THE FEDERAL COMMUNICATIONS)
COMMISSION'S REPORT AND ORDER AND)
ORDER ON REMAND AND FURTHER NOTICE)
OF PROPOSED RULEMAKING IN CC DOCKET)
NOS. 01-338, 96-98, AND 98-147)

CAUSE NOS. 42500,
42500-S1, 42500-S2

FILED

MAY 21 2004

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date a Presiding Officer in this Cause makes the following Entry:

On May 20, 2004, Indiana Bell Telephone Company, Incorporated d/b/a SBC Indiana, AT&T Communications of Indiana, GP, TCG Indianapolis, Covad Communications Company, MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. ("Movants") filed with the Indiana Utility Regulatory Commission ("Commission") a *Joint Motion to Continue Status Conference to July 8, 2004* ("Motion").

These Causes, which derive from the FCC's Triennial Review Order, and which have been temporarily stayed pursuant to an April 7, 2004 ruling that was memorialized in an April 8, 2004 Entry, are currently scheduled for a status conference on May 24, 2004. These Causes are temporarily stayed, in part, because of a March 2, 2004 decision by the U.S. Court of Appeals for the D.C. Circuit to vacate portions of the FCC's Triennial Review Order. As part of that decision, the D.C. Circuit delayed the issuance of its mandate until May 2, 2004. Therefore, at the time the May 24, 2004 status conference was scheduled, it was anticipated that by May 24th there would have been enough activity at the federal level to warrant a status discussion with respect to these Causes. However, on April 13, 2004, the D.C. Circuit extended the temporary stay of its vacatur until June 15, 2004. In addition, on May 19, 2004, the U.S. Supreme Court granted the Solicitor General an extension through June 30, 2004, of the deadline to seek certiorari with respect to the D.C. Circuit's decision.

Based on the above, the Motion states:

If the status conference were held on May 24, as currently scheduled, no Movant would advocate that the Commission lift its temporary stay of these proceedings. In addition, Movants do not believe that discussion of courses of action that might ensue following the possible issuance of the


USTA II mandate on June 15 would be fruitful at this time. Rather, Movants believe it would be best to reschedule the status conference for a date after June 15, 2004.

Considering both the D.C. Circuit's and the Supreme Court's extensions, the Movants request that the status conference be rescheduled for July 8, 2004.

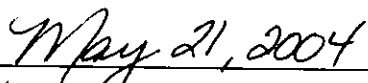
In an effort to determine if any party objects to rescheduling the status conference, the Movants represent that an attempt has been made to contact all parties of record by telephone and that all active parties have, in fact, been contacted and none of the active parties objects to the Motion. The Indiana Office of Utility Consumer Counselor, Talk America Inc., KMC Telecom, NuVox Communications of Indiana, Inc., Time Warner Telecom of Indiana, L.P., Cinergy Communications Company, and Z-Tel Communications, Inc. have authorized Movants to state that they do not object to rescheduling the status conference. In addition, McLeodUSA Telecommunications Services, Inc. stated in an email sent to the parties and the Commission that it does not object to the Motion.

Given the likelihood that the status of the D.C. Circuit's decision will be the same on May 24th as it was on April 7th, and an expression by most of the parties to either support or not object to rescheduling the status conference, it is appropriate that the status conference be continued. Accordingly, the Motion is granted. The status conference currently scheduled in these Causes for May 24, 2004, is rescheduled for July 8, 2004, at 10:00 a.m. EST, in Room TC-10 of the Indiana Government Center South, Indianapolis, Indiana.

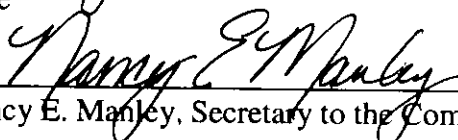
IT IS SO ORDERED.



William G. Divine, Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission